

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

ENCOMPASS INSURANCE COMPANY OF  
MASSACHUSETTS,

Plaintiff

v.

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA  
ADVANCED SPINE CENTERS, INC. d/b/a  
FIRST SPINE REHAB, FUTURE  
MANAGEMENT CORPORATION, FUTURE  
MANAGEMENT BUSINESS TRUST,  
EDWARD KENNEDY, BRIAN J. CULLINEY,  
D.C., and JENNIFER McCONNELL, D.C.

Defendants.

Case No. 05-11693 RCL

**AFFIDAVIT OF BRIAN J. CULLINEY**


I Brian J. Culliney do hereby depose as follows under the pains and penalties of perjury:

1. I am a defendant in the above captioned action.
2. I am a Chiropractor duly licensed with the Commonwealth of Massachusetts.
3. I have been employed by Advanced Spine Centers, Inc. d/b/a First Spine Rehab as a Chiropractor since 1997.
4. In the course of my employment at Advanced Spine Centers, Inc. d/b/a First Spine Rehab I have become familiar with the Massachusetts PIP claims procedures as practiced by the insurance carriers doing business in the

Commonwealth of Massachusetts, including the Plaintiff and its predecessor  
Old Colony Insurance.

5. In my experience it is the customary practice of the Plaintiff and its predecessor Old Colony Insurance to investigate and verify claims submitted by Advanced Spine Centers, Inc. d/b/a First Spine Rehab by requesting a multitude of documents including but not limited to Chiropractic Notes as well as patient sign in sheets.
6. I am not, nor have I ever been, aware of the use of "runners" as described in the Plaintiff's Complaint at Advanced Spine Centers, Inc. d/b/a First Spine Rehab.
7. Every patient treated at Advanced Spine Centers, Inc. d/b/a First Spine Rehab, 410 School Street, Lowell, Massachusetts is treated by a licensed chiropractor.
8. I am not aware of any patient ever being treated by Edward Kennedy, or any other non-licensed person at Advanced Spine Centers, Inc. d/b/a First Spine Rehab.

SIGNED THIS 19<sup>th</sup> DAY OF AUGUST 2005 UNDER THE PAINS AND  
PENALTIES OF PERJURY.

  
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Brian S. Sullivan